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US DISTRICT COURT E.D.N.Y.

★ MAY 29 2019 ★

SSS:JPM
F. #2019R00582

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CR 19 244

----- X

UNITED STATES OF AMERICA

**BLOCK, J.
POLLAK, M.J.**
INDICTMENT

- against -

JAMES DEVANE,

Defendant.

Cr. No. _____
(T. 18, U.S.C., §§ 922(g)(1), 924(a)(2),
924(c)(1)(A)(i), 924(d)(1) and 3551
et seq.; T. 21, U.S.C., §§ 841(a)(1),
841(b)(1)(C), 853(a) and 853(p); T. 28,
U.S.C., § 2461(c))

----- X

THE GRAND JURY CHARGES:

COUNT ONE

(Distribution and Possession with Intent to Distribute Cocaine Base)

1. On or about March 27, 2019, within the Eastern District of New York, the defendant JAMES DEVANE did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(Unlawful Use of a Firearm)

2. On or about March 27, 2019, within the Eastern District of New York, the defendant JAMES DEVANE did knowingly and intentionally use and carry a firearm during and in relation to a drug trafficking crime, to wit: the crime charged in Count One,

and did knowingly and intentionally possess such firearm in furtherance of said drug trafficking crime.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 3551 et seq.)

COUNT THREE
(Felon in Possession of a Firearm)

3. On or about March 27, 2019, within the Eastern District of New York, the defendant JAMES DEVANE, knowing that he had previously been convicted in a court of one or more crimes punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a .380 caliber, semi-automatic Llama pistol.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

4. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count One, the government will seek forfeiture in accordance with: (i) Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offense, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense; and (ii) Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any violation of any criminal law of the United States, including but not limited to one .380 caliber, semi-automatic Llama pistol with serial number

B37712 and ammunition contained therein, seized from the defendant on or about March 27, 2019 in Brooklyn, New York.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Sections 853(a) and 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS TWO AND THREE

6. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts Two and Three, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922 or Section 924, including but not limited to one .380 caliber, semi-automatic

Llama pistol with serial number B37712 and ammunition contained therein, seized from the defendant on or about March 27, 2019 in Brooklyn, New York.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

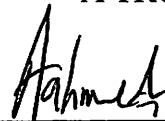
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL



FOREPERSON



RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F.#: 2019R00582
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

JAMES DEVANE,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 922(g)(1), 924(a)(2), 924(c)(1)(A)(i), 924(d)(1) and
3551 et seq.; T. 21, U.S.C., §§ 841(a)(1), 841(b)(1)(C), 853(a) and
853(p); T. 28, U.S.C., § 2461(c))

A true bill.

Ahmed

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

James P. McDonald, Assistant U.S. Attorney (718) 254-6376